

COMMENTS

The enclosed is responsive to the Examiner's Final Office Action mailed on May 17, 2004 and is being filed pursuant to a Request for Continued Examination (RCE) as provided under 37 CFR 1.114. At the time the Examiner mailed the Final Office Action claims 50-61, 72-83 and 92-160 were pending. By way of the present response the Applicant has: 1) canceled claims 50-61, 72 – 83, 120 – 130 and 142 – 160; 2) added claims 161-168; and, 3) amended claim 108. As such claims 92-119, 131-141 and 161-168 are now pending. The Applicant respectfully requests reconsideration of the present application and the allowance of claims 92-119, 131-141 and 161-168.

The Examiner has objected to claims 50-61 and 72-83. Although the Applicant has canceled these particular claims, the objection warrants response. Notably, the Examiner had objected to these claims because "the first ring signal and the off-hook signal are generated at the same interface." Moreover, according to the Examiner, "[i]n Figure 43 [of the Applicant's specification], the first interface appears to be at a location on the left side of item 4300 (page 61, lines 26-27 [of the Applicant's specification]) and the second interface appears to be at a location on the right side of 4300 (page 62, lines 2-3) [of the Applicant's specification]". See, Examiner's Final Office Action mailed 5/17/04, pg. 2.

In an Office Action response mailed by the Applicant on 3/14/02, the Applicant specifically invited the Examiner "to refer page 65, line 6 through page 68, line 16 of the present application" and to "[n]ote that the discussion therein

makes reference to Figures 45 and 46". See, Applicant's Office Action response mailed 3/14/02.

Thus, the Examiner appears to be mistakenly referring to the wrong figures and portions of the written description in attempting to understand the Applicant's claims.

Moreover, the Examiner has objected to matter that the Applicant believes touches upon a significant aspect of the patentability of the Applicant's claims.

In referring to Figure 45 of the present application, the discussion from page 65, line 6 through page 68, describes a process by which a PBX 4512 is preventing from "hanging" or "being stuck" through careful manipulation of interface "2" by system 4502. Here, a call initiated by phone 4510 to remote phone 4530 causes PBX 4512 to generate a ring signal to system 4502. System 4502 responds to the ring signal with an "off hook" signal (so from the perspective of PBX 4512 the ring signal has been "answered") and establishes a connection over network 4520 to system 4501. System 4501 applies a ring signal and timer for telephone 4530. When the timer expires a message is sent over network 4520 from system 4501 to system 4502. In response to the message system 4502 generates an "on-hook" signal for PBX 4512. Thus, during the time that systems 4501 and 4502 are attempting to establish a call all the way through to telephone 4530, PBX 4512 is under the impression that the call has been answered (because of the assertion of the "off hook" signal).

When systems 4501 and 4502 together establish that the call did not successfully go through to telephone 4530, the "off hook" signal is changed to an "on hook" signal to effectively inform PBX 4512 that the call is now non-existent. Without the change from the "off hook" signal to the "on hook" signal, PBX 4512 would continue to "think" that the call was active.

Each of the Applicant's independent claims include application of an "on hook" signal consistent with the teachings of the Applicant's specification and, moreover, some of the Applicant's claims stress the application of both "off-hook" and "on-hook" signals consistent with the teachings of the Applicant's specification.

At a high-level, the Applicant's claims can be viewed as being directed to a message sent over a packet network that causes an "on-hook" signal to be generated.

The Examiner continues to reject the Applicant's independent claims under 35 USC 103 using the Chang reference as a basis for teaching or suggesting the overall claimed methodology combined with the Guy and Binkerd references as a basis for teaching or suggesting the specific manipulation of telephone interface signals. See, the Examiner's Final Office Action mailed 5/17/04, pgs. 4-5. But the Examiner's application of Chang is fundamentally flawed, probably because the Examiner did not fully understand the claimed

invention as it appears that the Examiner was not referring to the proper section of the Applicant's specification.

The Examiner's application of Chang is fundamentally flawed because the portion of Chang used by the Examiner to reject the Applicant's claims simply do not teach or suggest a message sent over a packet network that causes an "on-hook" signal to be generated. The portion of Chang relied upon by the Examiner (items 148 and 150 of Figure 5B of Chang) relates to an automated answering service. But the methodology of Chang "stops" without any discussion as to how a call is terminated ("on hook"). That is, the process taught by Chang does not continue far enough in time so as to adequately teach or suggest how the call is handled at its end.

Therefore the Examiner's theory fails to cover all of the Applicant's claim elements.

Moreover, the rejections made by the Examiner under 35 USC 112, paragraph also appear to be in error because they seem to be directed to matter similar to the objections made to claims 50-61 and 72-83.

Therefore, the Applicant respectfully submits that all claims are presently in allowable form and should be permitted to pass to allowance.

REMARKS

Applicants respectfully submit the present application is in condition for allowance. If the Examiner believes a telephone conference would expedite or assist in the allowance of the present application, the Examiner is invited to call Robert O'Rourke at (408) 720-8300.

Authorization is hereby given to charge our Deposit Account No. 02-2666 for any charges that may be due.

Respectfully submitted,

BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN

Date: _____

9/17/04



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